IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.30 OF 2006

M/s. Sumer Builders Pvt. Ltd. .. ..Appellants

Versus

Joy Auto Works & Ors. .. ..Respondents

Mr.Y.S.Jahagirdar i/b Kishore Thakurdas & Co.for appellants

Mr.Kishore Jain with Niranjan Kapashia i/b Niranjan & co. for respondent nos.1 and 2

CORAM : A.M.KHANWILKAR,J.

DATE : 8TH FEBRUARY, 2006.

P.C.:

1. Mr. Jahagirdar the learned counsel for the appellants submits that this appeal be disposed off as the subject notice of motion has now become ready for hearing and is likely to proceed on 10th February, 2006. However,

the counsel for the respondents submits that the respondents will have to file further affidavit before the trial court in the pending motion. Besides, the respondents have already resorted to action against the appellants for the breach of ad-interim order dated 23.12.2005.

2. Without going into the correctness of the stand of the respective parties, as referred to above, as also without expressing any opinion on merits of the case, this appeal is disposed off with direction to the trial court to finally dispose off the Notice of Motion No.409 of 2004 and other Notice of Motion No.69 of 2006 pending between the parties, as expeditiously as possible preferably by the end of March 2006, on the assurance given by the parties that they will extend full cooperation to the trial court to dispose of the proceedings. Both the parties to complete the pleadings as early as possible, in any case not later than 28th February 2006. The Civil Application also stands disposed of.